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Caring for Your Coast

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**Gary Jones**  
Acting Director

**Kerry Silverstrom**  
Chief Deputy

**John Kelly**  
Deputy Director

June 10, 2014

The Honorable Board of Supervisors  
County of Los Angeles  
383 Kenneth Hahn Hall of Administration  
500 West Temple Street  
Los Angeles, California 90012

**ADOPTED**

BOARD OF SUPERVISORS  
COUNTY OF LOS ANGELES

38 June 17, 2014

*Sachi A. Hamai*  
SACHI A. HAMAI  
EXECUTIVE OFFICER

Dear Supervisors:

**UPDATE AND REQUEST FOR FUNDING FOR THE MARINA DEL REY TOXIC POLLUTANTS  
TOTAL MAXIMUM DAILY LOAD REVISIONS INVOLVING COPPER LEACHING FROM BOAT  
HULL PAINTS AND REMEDIATING CONTAMINATED SEDIMENT FROM MARINA DEL REY  
HARBOR MARINA DEL REY**

**SUBJECT**

This is to provide your Board with a status of the amendments to the Marina del Rey Toxic Pollutants Total Maximum Daily Load (TMDL) since your Board's adoption of a motion on January 7, 2014, to oppose the proposed amendments by the California Regional Water Quality Control Board, Los Angeles Region (Regional Board). The purpose is also to request funding to facilitate the implementation of studies and programs associated with the TMDL.

**IT IS RECOMMENDED THAT THE BOARD:**

1. Instruct the Chief Executive Office to identify and provide \$4,000,000 to perform dissolved copper and sediment toxicity studies for Marina del Rey and to hire a consultant to provide essential support to manage the TMDL studies, develop appropriate strategies, conduct stakeholder outreach and education, and assist in the management and implementation of other water quality regulation efforts associated with the Marina.
2. Find that the request to fund the TMDL studies is statutorily exempt under the California Environmental Quality Act Guidelines section 15262, and Class 6 of the Environmental Document Reporting Procedures and Guidelines adopted by your Board on November 17, 1987.

## **PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION**

On February 6, 2014, the Regional Board approved amendments to the existing Marina del Rey TMDL. The Amended TMDL will be considered for adoption by the State Water Quality Control Board (State Board) at an upcoming hearing. The proposed amendments will have significant economic impacts to the County and its constituency in Marina del Rey. The revisions include new requirements for an 85% reduction of copper leaching from boat hull paint by 2024 and removing potentially contaminated sediment from the Marina del Rey harbor by 2029. These requirements were developed by the Regional Board with limited scientific data, much of which was not site-specific to Marina del Rey. The Department of Beaches and Harbors, in conjunction with the Department of Public Works, propose to perform more accurate site-specific studies for the Marina, with the assistance of environmental consultants. The results of these studies will provide vital scientific information for the County and the Regional Board to use in: (1) better evaluating the proper copper leaching and sediment contamination reduction targets to be set; and (2) selecting the approach and necessary timeline for meeting those targets.

### **Copper Boat Hull Paints**

In order to achieve the targets for copper discharges set forth in the amended TMDL, there needs to be a substantial reduction of copper that leaches from hull paints from approximately 4,000 boats berthed in Marina del Rey. This reduction can likely only be achieved by boaters changing to non-copper hull paints, the cost of which are significantly higher due to the extra work needed on the boats and the more expensive paints. In many of the TMDL comment letters received in January 2014 by the Regional Board, boaters expressed that the cost of converting to a non-copper paint would be a financial hardship, that such non-copper paints were not readily available, and that such paints had not proven to be adequate for the needs of recreational boaters.

Under the proposed TMDL amendment, there is a March 2024 deadline to meet the copper reduction target. To meet this deadline, approximately 400 boats per year would have to switch from copper hull paints to an alternative paint, beginning March 2014. Most of the alternative paints require the existing paint to be stripped from the hull. This work needs to be done at a boat yard and the two boat yards in Marina del Rey indicate they have the capacity to strip and paint approximately 150 boats per year. The other paint conversion challenges facing boaters today are the high cost of stripping (stripping is not part of the normal hull repainting regimen, which takes place about every three years), and the viability of the existing alternative paints.

We continue to discuss the County's TMDL issues with Regional Board staff. Furthermore, the County continues with its efforts to improve the Marina's water quality and is taking actions to address the pending TMDL requirement for copper discharge reductions. Specifically, the Department of Beaches and Harbors is working with the Department of Public Works to determine possible consultants that may be able to perform site specific studies of dissolved copper in the Marina waters. Upon approval of this letter by your Board, consultants will be hired and the studies will be performed. In addition, the Department of Beaches and Harbors will be seeking grant opportunities to help defray the cost of hull paint conversion, similar to what is being done by the Port of San Diego for their Shelter Island Yacht Basin TMDL. Also, Beaches and Harbors is looking at various best management practices to reduce copper discharges from hull paints in such areas as hull cleaning and the availability of alternative low and non-copper paints.

### **Harbor Sediment**

The proposed TMDL also requires removal of contaminated harbor sediment by 2029. The extent of the toxicity in the sediment is not known and in order to insure that the required remediation is performed in the correct manner and to the proper extent, a study is warranted. Upon approval of

this letter by your Board, a consultant will be hired and the study will be performed. The likely source of contamination is the watershed that drains into the Marina. There are projects and legislation planned or in place to significantly reduce the flow of contaminants into the Marina. However, at this point it is uncertain how successful the projects will be in stemming the contaminant flow without sufficient time to monitor and analyze the results. There is also legislation, such as SB 346, requiring brake pad companies to manufacture low copper (0.5% copper) brake pads by 2025. According to the findings of the studies that led to the enactment of SB 346, brake pads account for up to 50 percent of the copper load entering waterbodies in urban areas of California. In time, high copper brake pads will be phased out, sometime after 2025, as they are replaced with low copper pads. Here again, sufficient time is needed to study the impacts.

#### State Water Resources Control Board Hearing

Following the Regional Board's approval of the TMDL on February 6, 2014, the TMDL will next be considered by the State Board. On April 9, 2014, the State Board posted a notice that comments on the TMDL approved by the Regional Board, were being solicited and were due on May 13, 2014. The Departments of Beaches and Harbors and Public Works, and the office of County Counsel worked together to provide extensive comments to the State Board before the noon deadline on May 13, 2014. The County's comments as well as all of the other comments received by the State Board can be viewed using the following link:

[http://www.waterboards.ca.gov/public\\_notices/comments/tmdl/cmnts051314\\_marinadelrey/index.shtml](http://www.waterboards.ca.gov/public_notices/comments/tmdl/cmnts051314_marinadelrey/index.shtml)

The date for the State Board hearing to consider the TMDL has been tentatively set for Summer 2014 and such hearing will be held in Sacramento. In the meantime, County staff will continue to engage with Regional Board staff regarding the TMDL revisions.

The County has completed, and are building and planning a myriad of projects and activities aimed at improving the water quality of Marina del Rey. Over the last decade the County has invested over \$32 million to enhance water quality in the Marina del Rey harbor. Furthermore, the County is committed to working with stakeholders to implement best management practices and reasonable water quality improvements. County staff has discussed these facts with Regional Board staff, however, the TMDL that will be considered by the State Board is expected to remain unchanged from the version approved by the Regional Board.

#### Managing the TMDL

To date, the proposed TMDL has consumed a tremendous amount of unanticipated staff resources to prepare extensive comments, meet with Regional Board staff, reach out to stakeholders and prepare water quality and sediment study requirements. An even greater level of resources is anticipated as the TMDL moves through the approval and implementation processes and the studies and outreach efforts in the Marina are heightened. It is believed that this work would best be handled by a consultant experienced in implementing and managing water quality regulation compliance in marine environments, therefore, the Department of Beaches and Harbors will work with the Department of Public Works to seek consultant services for this work. Upon approval of this Board action, a consultant will be hired to assist in the water quality efforts in the Marina.

#### **Implementation of Strategic Plan Goals**

The recommended actions ensure the County's strategic plan goal Fiscal Sustainability (Goal 2) by performing studies necessary to inform the approach the County will take on implementing the revisions to the TMDL.

### **FISCAL IMPACT/FINANCING**

The costs of the water quality and sediment studies, and for the services of consultants to effectively and efficiently manage the TMDL are estimated to be \$4,000,000. The Chief Executive Office is in the process of reviewing the funding requirement which will be addressed during the Fiscal Year 2014-15 budget process.

### **FACTS AND PROVISIONS/LEGAL REQUIREMENTS**

On January 7, 2014, your Board approved Supervisor Knabe's motion to oppose the TMDL revisions being proposed by the Regional Board and to provide written comments on the proposed TMDL to the Regional Board by January 15, 2014. Written comments were submitted as directed by your Board and the TMDL was approved by the Regional Board on February 6, 2014. It next goes to the State Board for approval and then to the Federal Environmental Protection Agency for adoption.

### **ENVIRONMENTAL DOCUMENTATION**

This funding request for water quality and sediment studies is statutorily exempt from CEQA under Section 15262 of the CEQA Guidelines (Feasibility and Planning Studies) and Class 6 of the Environmental Document Reporting Procedures and Guidelines adopted by your Board on November 17, 1987.

### **IMPACT ON CURRENT SERVICES (OR PROJECTS)**

While the proposed revisions to the TMDL are expected to have significant economic impact to the County and its constituency in Marina del Rey, the related studies for which the identification of funding is being requested will not have an impact on current services or projects.

### **CONCLUSION**

Instruct the Executive Officer of the Board of Supervisor to send a copy of the adopted Board letter to the Department of Beaches and Harbors.

Should you have any questions, please contact Charlotte Miyamoto at (310) 305-9503 or CMiyamoto@bh.lacounty.gov

The Honorable Board of Supervisors

6/10/2014

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Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Gary Jones', with a stylized, cursive script.

GARY JONES

Director

GJ:cm

c: Chief Executive Officer  
County Counsel  
Executive Officer, Board of Supervisors  
Department of Public Works